

**REMARKS**

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

In response to the Examiner's restriction requirement, Applicants hereby affirm the election of group I, claims 1-29. The Examiner has acknowledged that rejoinder of withdrawn dependent claims 30 and 31 would be proper upon allowance of independent claim 1 (Official Action at page 3). Accordingly, under the provisions of M.P.E.P. §821.04, Applicants respectfully request rejoinder of dependent claims 30 and 31 upon indication of the allowance of claim 1.<sup>1</sup>

In response to the election of species requirement, Applicants affirm the election of the compound (1) recited in claim 27, for search and examination purposes. Upon indication of the allowance of a generic claim, Applicants request consideration and indication of the allowability of the withdrawn claims which read on the non-elected species.

By the above amendments, claims 7 and 29 have been canceled without prejudice or disclaimer. Claim 1 has been amended to incorporate the subject matter of claim 29. Claim 1 has also been amended for clarification purposes to recite that the bleaching agent is mixed in an amount of at least 0.52 mol/liter, based on the volume of the composition. Support for this amendment can be found in the specification at least at page 8, lines 15-17, which discloses a range of "at least about 0.1 mol/liter," taken in connection with the paragraph bridging pages 17 and 18, which discloses an example having the bleaching agent in an

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<sup>1</sup> M.P.E.P. §821.04 states that process claims which depend from or otherwise include all the limitations of the patentable product will be entered as a matter of right if the amendment is presented prior to final rejection or allowance.

amount of 0.52 mol/liter.<sup>2</sup> Claims 8-10 have been amended to be consistent with the range of the amount of the bleaching agent now recited in claim 1. Withdrawn claim 31 has been amended for readability purposes in light of the incorporation of the subject matter of claim 29 into claim 1.

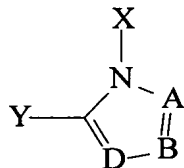
In the Official Action, claims 1-3, 7-18 and 21-28 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,270,148 (*Morigaki et al*). This rejection has been obviated by the above amendment of claim 1 in which the subject matter of claim 29 has been incorporated therein. In this regard, claim 29 does not stand rejected in the above rejection. Furthermore, *Morigaki et al* fails to disclose that the bleaching agent is mixed in an amount of at least 0.52 mol/liter, based on the volume of the composition, as is now recited in claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 19, 20 and 29 stand rejected under 35 U.S.C. §103(a) as being obvious over *Morigaki et al* in view of U.S. Patent No. 6,727,051 (*Haye et al*) and U.S. Patent No. 6,455,236 (*Papai*). As discussed above, claim 1 has been amended to incorporate the subject matter of claim 29. Withdrawal of the present rejection, with respect to amended claim 1 is respectfully requested for at least the following reasons.

Claim 1 is directed to a single-part photographic bleach-fixing composition formed by mixing at least the following: (a) a bleaching agent comprising an iron-ligand complex, wherein the bleaching agent is mixed in an amount of at least 0.52 mol/liter, based on the volume of the composition; (b) a fixing agent comprising a thiosulfate; and (c) at least one of the following formula (A) compound or formula (B) compound:

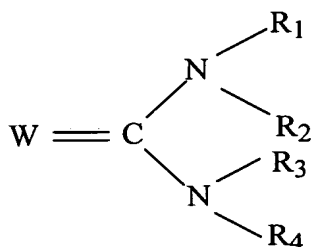
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<sup>2</sup> M.P.E.P. §2163.05(III) discusses a case in which a claimed range was found to be supported by the disclosure of a broader range taken in connection with a specific example.



formula (A),

wherein each of A, B and D independently represents a nitrogen atom or C-R<sub>5</sub>, wherein R<sub>5</sub> represents a hydrogen atom, an alkyl group, an aryl group, an amino group, a carboxyl group or a mercapto group; X represents a hydrogen atom, an alkyl group or an aryl group; and Y represents a hydrogen atom, an alkyl group, an aryl group, an amino group, a carboxyl group or a mercapto group; wherein R<sub>5</sub> is substituted or unsubstituted when R<sub>5</sub> is not the hydrogen atom, X is substituted or unsubstituted when X is not the hydrogen atom, and Y is substituted or unsubstituted when Y is not the hydrogen atom;



formula (B),

wherein W represents an oxygen atom, a sulfur atom or N-H; each of R<sub>1</sub>, R<sub>2</sub>, R<sub>3</sub> and R<sub>4</sub> independently represents a hydrogen atom, an alkyl group or an aryl group; wherein R<sub>2</sub> and R<sub>3</sub> are optionally bonded together to form a ring, and wherein R<sub>1</sub> is substituted or unsubstituted when R<sub>1</sub> is not the hydrogen atom, R<sub>2</sub> is substituted or unsubstituted when R<sub>2</sub> is not the hydrogen atom, R<sub>3</sub> is substituted or unsubstituted when R<sub>3</sub> is not the hydrogen atom, and R<sub>4</sub> is substituted or unsubstituted when R<sub>4</sub> is not the hydrogen atom,

wherein the single-part photographic bleach-fixing composition is in the form of a concentrate.

*Morigaki et al* relates to a processing solution being used for processing a silver halide color photographic material, and more particularly to a processing solution giving a reduced formaldehyde vapor pressure that is excellent in stabilizing dye images (col. 1, lines 9-16). *Morigaki et al* discloses that a blixing solution at the initiation of processing is prepared by dissolving various compounds for blixing solution in water or by mixing a bleaching solution and a fixing solution (col. 37, lines 64-68).

*Morigaki et al* does not disclose or suggest each feature recited in claim 1. For example, *Morigaki et al* does not disclose or suggest a single-part photographic bleach-fixing composition that is in the form of a concentrate, as is presently recited in claim 1. The Patent Office has acknowledged this deficiency at page 5 of the Official Action, stating that "Morigaki et al disclose, teach and suggest a ready-to-use bleach-fixing solution but do not specify a bleach-fixing concentrate."

Furthermore, *Morigaki et al* does not disclose or suggest that a bleaching agent comprising an iron-ligand complex is mixed in an amount of at least 0.52 mol/liter, based on the volume of the composition, as recited in claim 1. By comparison, *Morigaki et al* discloses that the amount of the bleaching agent for the blixing solution is preferably from 0.01 to 0.5 mol, and more preferably from 0.02 to 0.2 mol per liter of the blixing solution (col. 34, lines 9-12). This difference in the claimed and disclosed amounts of bleaching agent further highlights the fact that the presently claimed single-part photographic bleach-fixing composition is in the form of a concentrate, which is distinct from the "ready-to-use" blixing solution disclosed by *Morigaki et al*.

The Patent Office has asserted that it would have been obvious to modify *Morigaki et al* to be in the form of a single-part concentrate (Official Action at pages 5 and 6). However, it is respectfully noted that such modification would have been in contradiction with

*Morigaki et al*'s disclosure that the "ready-to-use" blixing solution is prepared at the initiation of processing (col. 37, lines 64-68).

Moreover, *Papai*, which has been relied on by the Patent Office for disclosing a single-part concentrate, discusses the use of "ready-to-use" solutions in the "Background" section thereof. *Papai* discloses that such "ready-to-use" solutions are necessarily prepared immediately before use because the individual components of the separate solutions can chemically react and quickly decompose and/or oxidize reactive components (col. 1, lines 13-39). Clearly, since both *Morigaki et al* and *Papai* disclose that the "ready-to-use" solution of the type disclosed by *Morigaki et al* should be prepared immediately prior to use, one of ordinary skill in the art would not have been motivated to modify *Morigaki et al* to be in the form of a single-part bleach-fixing concentrate, as is presently claimed.

The Patent Office has relied on *Haye et al* for disclosing the use of a sulfite in a bleaching-fixing composition as a known preservative agent (Official Action at page 5). However, *Haye et al* fails to cure the above-described deficiencies of *Morigaki et al* and *Papai*.

For at least the above reasons, it is apparent that no *prima facie* case of obviousness exists. Accordingly, withdrawal of the above §103(a) rejection is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

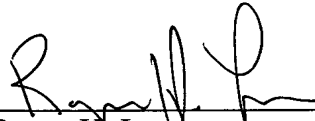
If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

BUCHANAN INGERSOLL PC (INCLUDING ATTORNEYS  
FROM BURNS, DOANE, SWECKER & MATHIS)

Date: October 25, 2005

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